

REMARKS

Applicant requests reconsideration and further examination of this application.

Referring to the numbered paragraphs in the Examiner Detailed Action:

1. Applicant confirms the election of Claims 1 and 3-11.

2. The specification has been amended to provide antecedent basis for the swiveling pick-up tube feature of Claims 7 and 11. No new matter has been added, as the language of these Claims has been imported into the specification

3, 4, 5, 6 and 7. Respectfully, the swiveling pick-up tube feature of Claims 7 and 11 is already shown in the drawings – it is item #4 in Figure 1. Applicant thinks item #4 is descriptive and enabling as shown. First, the Figure 1 is identified as “a schematic diagram”. Therefore, the audience, reasonably skilled in the art, will look to the general, conceptual subject matter disclosed. What is disclosed is an L-shaped tube fitted loosely with a threaded collar at the bottom of the hydraulic tank 18. The eccentric weight of the upper section of the L-shaped tube will always point down if the carriage 11 is tipped at any angle from level. This simple structure in Figure 1 is readily presented to, and easily understood by, one reasonably skilled in the art.

8. Claim 4 has been cancelled. The Examiner’s observations about this Claim are appreciated.

9, 10. Respectfully, the Claims 1, 3 and 5-11 need not be amended in response to the 35 U.S.C. §103 rejection. This is because the disclosures of the two cited references, USP # 5,975,319 (*Carlile, Jr.*) and USP # 4,523,892 (*Mitchell, et al.*), even when combined, do not amount to, nor suggest, Applicant’s claimed invention.

Carlile, Jr. discloses a slack pulling logging carriage as in Applicant’s invention. However, in *Carlile, Jr.*, the hydraulic motor 80 is only a stepped, two-speed motor as a result of

the two (2) hydraulic pumps 86 and 87 (col. 4, lines 46 – 49). There is no disclosure that either pump is of variable output. In Applicant's claims, on the other hand, the main hydraulic pump is consistently claimed as "with variable volume output" (Claim 1), or "with variable displacement" (Claims 3 and 8). Therefore, the *Carlile, Jr.* reference obtains only two speeds in the hydraulic motor 80 with two pumps. Applicant, on the other hand, obtains a continuously-variable proportional control of the hydraulic motor 2 by engine 7 speed and main pump 1 variable volume output (see Figures 7 and 8).

Also, the cited *Mitchell, et al.* reference fails to supplement the disclosure of the *Carlile, Jr.* reference enough to amount to, or suggest, Applicant's claimed invention. *Mitchell, et al.* discloses a fuel economy system for hydraulic excavators, although it recites at column 10, lines 12 – 16, that the system could be used on any prime mover and hydraulic pump arrangement. However, in *Mitchell, et al.* no other arrangements are disclosed, and the stated goal is to provide for fuel economy, especially in hydrostatic vehicles, like the hydraulic excavator vehicles (column 1, lines 28 – 32). The pump displacement/fuel delivery system of *Mitchell, et al.* is designed for an excavator wherein the operator is already busy using both hands and feet (column 1, lines 46 – 53). These goals, however, are entirely different from Applicant's goals.

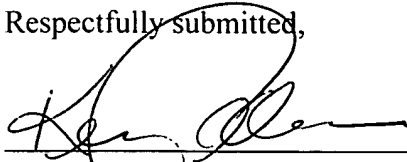
In Applicant's invention, on the other hand, the purpose is to make best use of engine braking, power and torque characteristics (page 2, lines 10 – 13). Therefore, the purposes of the *Mitchell, et al.* reference and Applicant's invention are different.

Furthermore, Applicant and the *Mitchell, et al.* reference apply their respective systems differently. Applicant applies its control system to a hydraulic motor to drive a sheave assembly for efficiently moving a logging skidline (see Claims 1, 3 and 8). *Mitchell, et al.*, on the other hand, applies its control system to two work implement circuits 56 and 58 with a priority in the 56 circuit (column 3, lines 23 – 30). Therefore, in summary, the *Mitchell, et al.* reference is too remote from Applicant's invention to make the invention obvious under 35 U.S.C. Section 103 in view of the other cited *Carlile, Jr.* reference. There is just not enough suggestion in *Mitchell, et al.* to make the substantial changes in *Carlile, Jr.* that would be necessary to make *Carlile, et al.* more like Applicant's invention – there is just not enough suggestion in *Mitchell, et al.* to install a variable-output pump instead of pump 86 and to eliminate second pump 87 to

drive hydraulic motor 80. Therefore, Applicant's invention is not obvious in view of these two cited references.

Applicant now believes the application is in condition for allowance and respectfully requests the same.

Respectfully submitted,



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